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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ROBERT D. BETTEN,

11 Plaintiff(s),

12 v.

13 NANCY A. BERRYHILL, Acting Commissioner
14 of Social Security Administration,

15 Defendant(s).

Case No. 2:18-cv-00536-KJD-NJK

ORDER

(Docket No. 1)

16 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket
17 No. 1. In determining whether to permit a plaintiff to proceed *in forma pauperis*, the Court evaluates the
18 income and assets to which the plaintiff has access, including those of his spouse. *See, e.g., Flores v.*
19 *Colvin*, 2014 U.S. Dist. Lexis 93236, at *3-4 (D. Nev. May 22, 2014) (collecting cases). “If the plaintiff
20 is supported by [his] spouse, and [his] spouse is financially able to pay the costs of this appeal, it follows
21 that the plaintiff’s own lack of funds will not prevent [him] from gaining access to the courts.” *Monti v.*
22 *McKeon*, 600 F. Supp. 112, 114 (D. Conn. 1984). The pending application makes clear that Plaintiff’s
23 spouse is employed, but has failed to identify what her income is. Docket No. 1 at 1.¹ Accordingly, the
24 application to proceed *in forma pauperis* is **DENIED** without prejudice.

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28 ¹ The application confusingly states that “[a]ll finances in this application are joint,” but identifies
no incoming pay despite representing that Plaintiff’s wife is employed. *See id.*

1 Any renewed application to proceed *in forma pauperis* must be made on **the long form** (AO 239)
2 to ensure that both Plaintiff's and his spouse's income, assets, and liabilities are properly considered. Any
3 such application shall be filed by April 16, 2018. Alternatively, Plaintiff may pay the filing fee by April
4 16, 2018.²

5 IT IS SO ORDERED.

6 Dated: April 3, 2018

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10 NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
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25 ² Consistent with Rule 11 of the Federal Rules of Civil Procedure, Plaintiff's counsel shall carefully
26 consider whether a reasonable basis exists for seeking *in forma pauperis* status before filing any renewed
27 application. In particular, while the Court does not herein reach a final conclusion since the current
28 application is incomplete, the tens of thousands of dollars of cash available to Plaintiff appears likely an
insurmountable hurdle for any renewed application even without considering Plaintiff's spouse's income.
See Docket No. 1 at 2.